

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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U.S. BANK NATIONAL ASSOCIATION, :
NOT IN ITS INDIVIDUAL CAPACITY BUT :
SOLELY AS TRUSTEE FOR THE RMAC :
TRUST, SERIES 2016-CTT, :
Plaintiff, :
: :
v. :
: :
ANNA GREGOREC AKA ELIZABETH :
GREGOREC AKA ELIZABETH A. :
GREGOREC and FRANK GREGOREC, :
Defendants. :
-----x

2/10/20

ORDER

19 CV 10482 (VB)

Plaintiff filed a complaint on November 12, 2019. (Doc. #1). Defendant Frank Gregorec was personally served on December 16, 2019. (Doc. #7). That same day, a process server served defendant Anna Gregorec's financial service representative, who stated she was authorized to accept service on Anna Gregorec's behalf, because the process server was unable to determine whether Anna Gregorec was of sound mind. (Doc. #7).

Defendants' deadline to answer, move, or otherwise respond to the complaint was January 6, 2020. See Fed. R. Civ. P. 12(a). Defendants failed to do so. On January 22, 2020, the Court sua sponte extended to February 5, 2020, defendants' time to answer, move, or otherwise respond to the complaint. (Doc. #10). The Court warned defendants in bold and underlined font that if they failed to answer, move, or otherwise respond to the complaint by February 5, 2020, the Court would direct plaintiff to seek a default judgment against them.

To date, defendants have not answered, moved, or otherwise responded to the complaint, or requested further time in which to do so.

Accordingly, it is HEREBY ORDERED, by March 10, 2020, Plaintiff shall move for default judgment as to defendants, in accordance with Judge Briccetti's Individual Practices

Attachment A.¹

If plaintiff fails to satisfy the deadline, the Court may dismiss the case for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).

Dated: February 10, 2020
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge

¹ Plaintiff prematurely sought certificates of default on January 22, 2020, the same day the Court sua sponte extended defendants' time to answer, move, or otherwise respond to the complaint. In plaintiff's declaration in support of its request for certificates of default, plaintiff's attorney incorrectly declared that defendants "failed to answer, appear, or move with respect to the Complaint and their time to do so expired and was not extended." (Doc. #13). Certificates of default were issued on January 27, 2020. (Docs. ##15, 16).